

Response

Application No. 10/663,644
Attorney Docket No. 031159

REMARKS

Claims 2-5 and 7-14 are pending in the present application. By this amendment, claims 8, 11, 13 and 14 have been amended, and claim 12 has been cancelled. It is respectfully submitted that this amendment is fully responsive to the outstanding Office Action dated April 4, 2007.

35 U.S.C. §112, Second Paragraph Rejection:

Claims 8, 9 and 14 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In addition, claims 11-14 stand rejected under 35 U.S.C. §112, second paragraph, as failing to set forth the subject matter which Applicant regards as the invention.

Each of these rejections is respectfully traversed.

It is respectfully submitted that claims 8 and 14 have been amended to overcome this rejection. In addition, it is submitted that the Examiner's comments provided in item 3 of the Action are overcritical, since in the previous Office Action, dated September 14, 2006, claims 11 to 14 were allowed. Therefore, the comments provided in that response were not directed to the

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features provided in claims 11 to 14. In other words, the Examiner's comments provided in item 2, page 2, of the Action, appear misplaced.

Allowable Claimed Subject Matter:

Applicant gratefully acknowledges the indication in the Action that claims 2, 3, 4, 5, 7 and 10 have been allowed and Applicant believes that claims 8 and 9 are also now in condition for allowance since the minor informality in claim 8 has been corrected.

As To The Merits:

As to the merits of this case, the Examiner sets forth the following rejection:

claims 11-14 stand rejected under 35 U.S.C. §102(e) as being anticipated by Fujiyoshi (U.S. Patent No. 6,211,854).¹

This rejection is respectfully traversed.

Claims 11 and 13 have been amended to include the features of canceled claim 12 regarding *a table indicating a relationship between a file name of a program for generating a*

¹ Please note that while item 4 of the Action indicates that claims 10-14 are rejected under 35 U.S.C. §102(e), claim 10 has also been indicated as being allowed in item 5 of the Action. Therefore, a telephone call was placed to the Examiner to resolve this discrepancy. The Examiner indicated that claim 10 was in fact allowed and that the rejection should read as claims 11-14.

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video signal and the video type signal, wherein the video detection portion refers to the table for generating the video type signal.

It appears that the Examiner is taking the position that the comparator 15 of Fujiyoshi constitutes a table as now required in claims 11 and 13. However, it is submitted that the Examiner is mischaracterizing the function of the comparator 15 of Fujiyoshi. More specifically, Fujiyoshi discloses in col. 6, lines 19-32, the following:

Next, the addition results in the latch-C 18 and the latch-D 19 are compared by the comparator 15. If the addition results are found to be different from each other, images provided by image signals for the immediately-preceding screen and current image signals are determined to be moving images; if the addition results are the same, the images are determined to be still images. Based on this determination processing, the moving-image/still-image determination signal corresponding to either one of the moving image and the still image is outputted. The moving-image/still-image determination signal is a one-bit signal, and the signal is "0" for the still image and is "1" for the moving image in a standard configuration in which the comparator 15 uses an exclusive-OR.

In view of the above, it is respectfully submitted that the comparator 15 of Fujiyoshi fails to constitute *a table that indicates a relationship between a file name of a program generating a video signal in the video type signal, wherein the video detection portion refers to the table for generating the video type signal*, as now required in amended claims 11 and 13.

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For example, as shown in Fig. 3 of the present application, the image type table TB1 stores video type information that indicates a reference between file names NF of programs and video types ES. The video detection portion 211 refers to the image type table TB1. That is, if the video type information of the program delivering the video signal is the “still image,” the video detection portion 211 generates the video type signal S12 indicating the “still image,” while if the video type information of the program is the “moving image,” the video detection portion 211 generates the video type signal S12 indicating the “moving image.”

That is, the Examiner alleges that Fujiyoshi discloses a “table (15)”. However, Applicant submits that Fujiyoshi describes a “comparator 15” and fails to describe a “table.”

In Fujiyoshi, the “comparator 15” is used to compare the output from a latch-C 18 with the output from a latch-D19, so that images are determined to be moving images or still images. In short, a “table” is not used in Fujiyoshi.

In view of the aforementioned amendments and accompanying remarks, Applicant submits that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

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If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Thomas E. Brown
Attorney for Applicant
Registration No. 44,450
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

TEB/nrp